

How to Request a Wage Determination

When requesting a wage determination (WD), whether one for the Service Contract Act (SCA) or the Davis Bacon Act (DBA), go to the following website: www.wdol.gov. Near the top of the page, this website has a link to the overview of its user guide, which is also available at: <http://www.wdol.gov/usrguide/index.aspx>. Be sure to note that there are additional sections of this user guide (e.g. for the SCA, DBA, etc.) The narrative below, supplements this guide.

Once you've accessed the WDOL site, select whether the WD pertains to DBA or SCA, and click on the appropriate button (i.e. "selecting ___WDs"). Be sure to keep in mind there are two types of WDs: those pertaining to prevailing wages and those pertaining to a collective bargaining agreement.

Prevailing Wages: For the SCA WDs, select the state and county where performance will occur. You'll need a WD for each county where performance occurs, (and a separate WD for each additional county).

Next, it's important to identify whether the effort was performed on a prior contract. This will often affect what kind of fringe benefits are required to be paid. There are two basic types:

Even numbered WDs (e.g. 2005-2012) require an average benefit rate be paid for all hours worked by all employees. This is the "averaging H&W rate".

Odd numbered WDs (e.g. 2006-2011) require that each employee receive at least the minimum benefits for all hours paid. This is the "per-person H&W rate".

For DBA WDs, select the state and county where performance will occur, but also select what type of construction is involved: heavy, building, residential, or highway. Most NASA contract requirements will be for building (i.e. facilities) construction but occasionally one or more of the others pertain. TIP: Read WDs carefully for any exclusions. Sometimes the work may be under a different schedule. For example, sewer line work is sometimes excluded from the heavy schedule and included under the building schedule.

Collective Bargaining Agreements: The WDOL website will give you a separate WD for the CBA portion of your contract. However, the bulk of the WD consists of the CBA itself. Still, when WDOL asks you if any portion of the work on the contract is covered by a CBA, you should indicate that it is. By answering the WDOL menu questions, WDOL will generate a separate number for your WD, and you print this, attach the CBA, and together these make the WD for the CBA portion of your contract.

Be sure to note that, at the end of the questions, you can sign-up to be notified whenever DOL updates the specific WD you've just received.

Occasionally, it's not clear how to respond to the WDOL menu of questions. When this occurs, you can complete the e-98 form at the website, and have the Department of Labor select the correct WD for you. In the rare event that you need a wage determination that will be retroactive (due to an error, etc.) these can be obtained under the "Archived WDs" menu. If in doubt as to the correct WD to use, contact your NASA Center's Labor Advisor, who can also provide training on this process. In addition, to be compliant with the NASA FAR Supplement, be sure to provide a copy of any WDs you receive to your NASA Center's Labor Advisor. Also, be sure that the Contracting Officer, who is responsible for obtaining the correct WD for the contract, is the person on whose behalf the WD is obtained.

The Department of Labor has an extensive resource titled "the Prevailing Wage Resource Book", available at: <http://www.wdol.gov/docs/WRB2002.pdf>, which provides all kinds of useful

information about complying with Federal contractor labor laws.

Background: The Davis-Bacon Act, as amended, requires each construction contract over \$2,000 for the construction, alteration, or repair of public buildings or public works contain a clause setting forth the minimum wages to be paid to the various classes of laborers and mechanics employed under the contract. Since 1996 these rates have been available to contracting personnel through the Wage Determination On-Line (WDOL) Program. WDOL provides direct access to the most current Davis-Bacon wage decisions through a joint service subscription with Fed World.

Instructions for finding the correct wage decision: Wage decisions are listed by state, year, and number (i.e. OH000002). If you don't know the number for the county and type of construction (building, heavy, highway, or residential), then first use the index. The wage determinations are listed in four columns by county. Scroll down to the county where the project is located and select the appropriate wage decision for the type of project. TIP: Read WDs carefully for any exclusions. Sometimes the work may be under a different schedule. For example, sewer line work is sometimes excluded from the heavy schedule and included under the building schedule.

Posters: WH Publication 1321 (Davis-Bacon Poster) is available from DOL's Poster Page

USAF SCA guidance (included for reference for NASA folks—hey why reinvent the wheel): Service Contract Act Wage Determinations can be obtained quickly and easily at: Wage Determinations On-Line (WDOL.gov).

If an applicable wage determination can be obtained through WDOL.gov, submittal of an e98 "Request for Wage Determination" is not required (FAR 22.1008.)

The following wage determination types can be obtained at WDOL.gov:

- Standard WDs numbered 05-2001 through 05-3034 (currently), which list nearly 300 standard classifications corresponding to those in the SCA Directory of Occupations;
- Non-standard WDs for such services as Elevator Maintenance, Moving and Storage of Household Goods, Off-base Food and Lodging, Baggage Inspection, Aircraft Services (Pilots), etc.;
- CBA WDs based upon a predecessor contractor's collective bargaining agreement--CBA (but you no longer send the CBA to DOL). See discussion of CBA WDs and how to create and edit them under the last section of this material.

Effectivity of WDs published at WDOL.gov: WDs are not effective for existing contracts when published! The most current published WD must be incorporated for new contracts, option years, extension periods, and the annual or biennial anniversary date of a multiple year contract (FAR 22.1007). For example, a WD published during an option year will not be "effective" for that contract until incorporated by the Contracting Officer for the start of the following option year (or extension or new contract). Deadlines for "receipt" (publication) of SCA WDs are at FAR 22.1012-1. As indicated by 22.1012-1(a)(1)(i), effectivity is governed by the date a WD is published on the WDOL.gov website, not the date of the WD.

WDOL.gov is a collaborative e-Government initiative of OMB, DOL, DOD, GSA, DOE and DOC. It is not under DOL's website (at "DOL.gov"), although one or more links to WDOL.gov can be found there.

Position descriptions for all standard classifications (those listed on Standard WDs) are found in the SCA Directory of Occupations, 5th Edition. Links to the Directory and the separate "Table of Contents" (in WD order) and "Alphabetical Index" can be found at <http://www.wdol.gov/library.aspx>.

e98 Website: If a WD cannot be obtained at WDOL.gov, the site will refer you to DOL's "E98" website to complete an electronic request. Such a request is needed only where DOL's standard or non-standard WDs do not contain the appropriate class of service employee for the work necessary to perform the contract (or for most of them, if there are several). Most responses to E98 requests are received within a few days. Reviewing the Directory of Occupations index or specific sections of the Table of Contents can help you determine if the work in question is covered under a standard WD. Non-standard WD general descriptions can be reviewed at WDOL.gov during the "Selecting SCA WDs" process. A list of non-standard WD titles such as "Elevator Service" can also be viewed at Appendix 'A' of the on-line Users Guide. Unlike WDOL.gov, DOL's e98 website requires completion of the electronic equivalent of SF98 and 98a "Request for Wage Determination". The paper versions of these forms are now obsolete-DOL will not respond to SF98 requests mailed or faxed.

"Health and Welfare" Fringe Benefit: All Agency Memorandum No. 204 was issued by the U.S. Department of Labor on 22 May 2008, increasing the Health and Welfare fringe benefit to \$3.24 from \$3.16 per hour. The H&W rate is usually increased annually in late May. Increases are effective with the next contract period (new contract, option, or extension) starting on or after 1 June each year. For example, fiscal year contracts are unaffected by the Memo 204 increase until

